

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

**ORDER AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

This action is before the court upon the pretrial motions of defendant David Andrew Maples which were referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b). On May 9, 2005, defendant Pauley waived his rights to file pretrial motions and to have a hearing thereon. An evidentiary hearing with respect to the pretrial motions of defendant Maples was scheduled for May 20, 2005.

On May 20, 2005, defendant David Andrew Maples appeared in open court, with counsel, and advised the undersigned that he had decided not to raise any issues by way of pretrial motions. He thereupon waived his rights to file pretrial motions and to have a pretrial hearing.

Whereupon,

**IT IS HEREBY ORDERED** that the motion of the government for a pretrial determination of the admissibility of defendant's statements (Doc. 24) is denied as moot.

**IT IS HEREBY RECOMMENDED** that the motions of defendant Maples to suppress statements (Doc. 41) and to suppress physical evidence (Doc. 42) be denied as moot.

The parties are advised they have ten (10) days to file written objections to this Order and Recommendation. The failure to file objections may result in a waiver of the right to appeal issues of fact.



**DAVID D. NOCE**  
**UNITED STATES MAGISTRATE JUDGE**

Signed on May 23, 2005.